

LIBELED: 4-16-62, 3-21-62; E. Dist. Mich., E. Dist. Va.

CHARGE: 602(a)—when shipped, the bottle label of the article was false and misleading in its entirety as applied to a product which purported to be "Vitalis" manufactured by Bristol-Myers Co., New York, N.Y., but which was a counterfeit, bearing counterfeit "Vitalis" labels.

DISPOSITION: 6-29-62; 4-24-62. Default—9 cases delivered to a charitable corporation for use and not for resale; remainder destroyed.

**COSMETICS ACTIONABLE BECAUSE OF INCONSPICUOUSNESS OF
REQUIRED LABEL INFORMATION**

240. Kings Men deodorant. (F.D.C. No. 47792. S. No. 64-871 T, 64-876 T.)

QUANTITY: 313 cases, each containing 6 btls. and 12 2½-oz. tubes, at Vernon, Calif.

SHIPPED: 5-8-62 and 6-1-62, from Franklin Park, Ill., by Helene Curtis Industries, Inc.

LABEL IN PART: (Tube) "Kings Men Stick Deodorant * * * Dist. by Kings Men Chicago."

ACCOMPANYING LABELING: Shelf display stand reading, in part, "Kings Men Stick or Spray Active Deodorant Protection."

LIBELED: 7-3-62, S. Dist. Calif.

RESULTS OF INVESTIGATION: Some of the labeling of the article consisted of printed matter formed in the plastic material of the recessed base of the container in a noncontrasting color, which labeling was inconspicuous at time of purchase and during use of the article.

CHARGE: 602(c)—when shipped, the information required to appear on the label under 602(b) (1) and (2), namely, the name and place of business of the manufacturer, packer, or distributor and the quantity of contents, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-24-62. Consent—claimed by Helene Curtis Industries, Inc., Chicago, Ill., and relabeled.

241. Deodorant stick. (F.D.C. No. 47173. S. No. 7-386 T.)

QUANTITY: 135 ctns., each containing 120 plastic tubes, at East Hartford, Conn.

SHIPPED: Between 9-1-61 and 1-23-62, from Albany, N.Y., by Mohawk Brush Co., subsidiary of Fuller Brush Co.

LABEL IN PART: (Tube) "Deodorant Stick House of Fuller."

RESULTS OF INVESTIGATION: Some of the labeling of the article consisted of printed matter formed in the plastic material of the container and was of the same color. It was formed into the plastic base by which the deodorant stick was pushed out of the container during use. The size of the printing, the lack of contrasting color, and the location of the label inside the container contributed to the inconspicuousness of this label during use.

LIBELED: 3-2-62, Dist. Conn.

CHARGE: 602(c)—when shipped, the information required to appear on the label under 602(b) (1) and (2), namely, the name and place of business of the

manufacturer, packer, or distributor, and the quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-23-62. Consent—claimed by Fuller Brush Co. and relabeled.

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PRODUCTS

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stick-----	241	Kings Men deodorant-----	240
Eye liner pencils-----	232	Mascara-----	232
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SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Agresti, F. A.:		Mohawk Brush Co.:	
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Curtis, Helene, Industries, Inc.:		Robin Sales Co.:	
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Fuller Brush Co. <i>See Mohawk</i>		eye liner pencils, eye shadow,	
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COSMETICS SUBJECT TO THE DRUG PROVISIONS OF THE ACT*

Product	Reported under D.D.N.J. No.
142. Erasure device-----	6777
143. Figuremaker device-----	6778
144. Eternal Youth face cream-----	6815
145. Facializer device-----	6816
146. Beautique stockings-----	6817
147. Fountain-Facial with "Keroxylite"-----	6955
148. Eterna 27 face cream-----	6956
149. Tone Facial Exercise device-----	7054
150. Rejuvenate device-----	7055

*See C.N.J., F.D.C. 96-112, 113-130, 131-146, 147-160, 161-175, 176-183, 184-189, 190-95, 206-208, 209-211, and 212-231 for list of Nos. 1-141.

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

242-256

COSMETICS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., August 19, 1964.

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*For failure to bear mandatory labeling, see No. 252.